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WHY US PRESIDENT WILLIAM J CLINTON SUPPORTED MOST FAVORED
NATION TRADING STATUS AS NATIONAL POLICY TOWARD CHINA

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The October 1997 United States visit and summit between Chinese President Jiang Zemin and US President William J. Clinton yielded concentrated, daily, and prominent debate on the status of US-China relations. Despite ongoing investigation into Democratic National Committee soft money practices, and the criticism that "Chinese campaign money may be influencing US policy,"¹ the President stands firmly by his 29 May 1997 decision to continue China's Most Favored Nation (MFN) Status waiver² and a more moderated approach to US-China relations. US-China policy critics, such as Bill Bauer, president of the Washington DC based *Family Research Council*, mounted a prominent campaign during the week of the summit. Citing continued human rights violations, religious persecution, trade inequities, and intellectual property rights differences as overwhelming justification for MFN revocation, critics, including Congress, called for a tougher stand. The opposition repeatedly raised the issue of US policy towards China, and the US President, as being subservient to big business and political monetary gain rather than national interest or principle. It is this issue that merits further investigation.

This discussion will examine recent developments in US policy toward China and evaluate that policy in terms of US priorities and interests. Through evaluation of the benefits and costs of both sides of the human rights, economic relations and trade arguments it will be seen whether the current foreign policy towards China reflects a process sound in implementation or unduly flawed through political and monetary influence.

Background on Most Favored Nation Trading Status and China

In the world of international trade the awarding of the designation of "most-favored-nation" status implies more in the terminology than is actually accomplished. Though the implication might seem that a particular country is being favored, or singled out, for particular concessions not granted elsewhere, this is not the case. MFN status merely grants, to all trading partners designated MFN, the benefit of reduced, or "MFN Rates" on goods imported by the country recognizing the trading partner as an MFN nation.³ As a result, and as described by Alan P. Larson, Assistant Secretary for Economic and business affairs, during remarks before the US China Business Council, 5 June this year:

It is normal trade relations--ordinary tariff treatment we accord to almost all countries in the world because we believe that free and fair trade is the foundation for peace and prosperity, and frequently democracy as well.

In practice the United States has granted such status, a matter of statutory policy⁴ to almost all trading partners. Currently only seven countries do not carry this status with the United States⁵. China was granted MFN status in 1980 following a September 1951 suspension enacted by President Truman. Status was restored in 1980, under conditional terms set under title IV of the 1974 Trade Act, including the Jackson-Varnik freedom of emigration amendment. This amendment provided originally for the issue of Soviet Jewish emigration but was expanded to China as a “non-market economy” nation. The amendment, and a second title IV provision permits the US President to establish MFN status on an annual basis if that nation does not deny citizens the right to leave its borders, does not establish unusual taxes on emigration or emigration documents, and does not excessively tax citizens who make known their desire to leave that nation's borders⁶. Additionally the nation must reciprocate MFN status to the US, have a completed bilateral trade agreement with the US, and have these provisions approved by congressional joint resolution.

Following the June 4 1989 Tianamen Square student demonstration and massacre, MFN status was revoked until 1993 when then President William J. Clinton enacted additional human rights conditions to tentative 1994 MFN approval for China. Clinton reversed this policy in 1994 and supported conditional MFN status using only the freedom-of-emigration requirement, divorcing the human rights agenda from nondiscriminatory status. This action sparked congressional resolutions to restrict China's position but the effort was unsuccessful⁷. MFN status was once again approved by the President on May 29, 1997, and again, joint resolutions to restrict status followed, but were subsequently defeated in June of this year.

MFN Status and Congressional Concern

The opposition of many in Congress to a broader approval of China's MFN status may be more related to issues of constitutional power leverage between the legislative and executive branches rather than ideology-based argument. Congressional opposition has, in recent years, carried the banners of

China's violation of human rights in general, its unfair trade practices and obstacles to market access, lack of legal and regulatory transparency, large and growing US trade deficit with China. China's uncooperative attitude in weapons and nuclear proliferation, and more recently, the alleged questionable donations to the Democratic National Committee⁸.

This particular approach may indeed be a congressional attempt to continue to exert, and not weaken, further congressional influence over foreign policy in general, and on China in particular. Such opponents

recall the 1990 Bush administration action against Chinese trade barriers, calls for action to protect intellectual property rights, prison labor export controls, and action on textile transshipments. These actions were sparked primarily by congressional threat to condition or restrict the MFN status of China and resulted in trade agreements in all four areas.⁹ To the scholars of Article I section VIII, and Article II of the US Constitution this potential loss of influence represents a deeper issue not of foreign policy but of proper execution of the system of proper balance and oversight between the branches. To reinforce this position, beginning November 5th the House will consider nine bills, all covering issues outside of the current boundaries of the 1974 Trade Act. Part of a "Policy for Freedom", this package is designed to provide congressional offset to what has been described as a "carrots only" policy on the part of this administrations handling of China.¹⁰

Critics of the congressional influence position no longer believe that manipulation of China's MFN status is effective in the foreign policy arena and is not regarded as a serious threat in light of current US China trade. It is doubtful that US allies would support the move in kind, (the US is the only nation which currently conditions MFN status with China¹¹), therefore weakening overall the US position. Additionally the use of conditions not within the bounds of the existing title IV of the 1974 Trade Act (freedom of emigration) to restrict trade status make such action on less than firm legal ground, unless legislative change is made to the act itself. Lastly the removal of MFN status would have immediate domestic impact. US tariffs on Chinese imports would climb from an average of 6% to 45%¹² on over 95% of US imports from China, and result in potential increases in prices of \$27-\$29 billion to be absorbed by US consumers.¹³ These products would fall into the "low margin, moderately priced consumer goods (certain clothing, footwear, household electrical and electronic products, toys etc), of which China is now a substantial supplier, and some which may even-at least temporarily- become priced out of the US market."¹⁴ Such action would not only place US consumers at a disadvantage, but alter the complexion of a necessary long term strategy for relations with China. While Secretary of State Madeline Albright has continually cautioned in multiple forums that relations with China will never be "normal" until progress is made in areas including human rights, National Security advisor, Samuel R. "Sandy" Berger has also warned that severing trading ties with China would not be wise. " we cannot isolate China, we can only isolate ourselves from China."¹⁵

US-China Economic Relations and Trade

With a quarter of the world's population, China represents a huge market segment for US goods and services with a dynamic potential for economic growth. World Bank figures predict an 8%-10% rate of growth until the new century and an output to reach \$10 trillion around 2050.¹⁶ During the tenure of its current President, China has experienced growth of some 12% per year with a \$130 billion of foreign exchange reserves. To reach a middle income level (China still holds some 300 million citizens with an average income of a dollar a day) China must maintain good economic growth for the next 25 years.¹⁷

In terms of US trade, some \$63.5 billion changed hands in 1996 making China the 4th largest trading companion with the US while at the same time resulting in the second largest trade deficit at around \$40 billion, second behind Japan.¹⁸ 65% of US imports are products of China, with manufactured items such as toys and games, shoes and clothes, and electronic items accounting for about 2/3 of the total China imports to the US. US exports to China fall largely in the transportation, machinery, and textile area.

Critics of the trade deficit place its origin in the unfair trade practices and barriers in place in the Peoples Republic. Supporters cite numerous economic reforms and open investment practices which need time to effectively take hold. While China currently faces several issues which hold back its economic progress (infrastructure bottlenecks, uneven growth, money losing state owned enterprises, and excessive government control¹⁹) China has enacted steps to resolve US concerns.

In response to accusations of encouraging violations of US intellectual property rights (IPR), (trade secrets, copyrights, patents and trademarks), and maintaining trade barriers which promote piracy, China signed a formal IPR agreement with the United States in February of 1995.²⁰ This agreement stressed better enforcement as well as opening trade barriers to those products more likely to be pirated if denied to the population. In the annual report released by the US Trade Representative (USTR) in April 1997, China was recognized as having made significant progress in the IPR protection area, including the closure of at least 39 "underground facilities" manufacturing items such as CDs.²¹

In the trade barrier arena China announced in September of this year to reduce the average tariff rate of 23% to 17% and to restructure state owned enterprises to reduce the loss of revenue. Again the USTR have recognized the progress of the Chinese government in that trade is more "transparent", tariffs are lower, and quotas and licensing restriction are almost non-existent. However overall tariff rates remain higher.

than average and some new restrictions outside of tariffs have been introduced. In addition restrictive sanitary rules on imported food items still remain.²²

In February of this year China signed a new four-year textile agreement to maintain quota levels and reduce circumvention of quotas by creative shipping. Prison labor products will also not be exported to the US under an August 1992 agreement effectively enforced in recent months to avoid US criticism.

In terms of the recent summit, efforts to continue a favorable and long-term trade relationship were certainly in evidence. A \$3 billion deal to purchase some 50 jet aircraft from Boeing was signed during the visit, and a 12 year embargo on US sales of nuclear powered equipment to China was lifted.²³ Both events signify increased long-term commitment to effective trade policies in light of China's increased effort to satisfy US concerns. Simply put, the evidence suggests that China must continue a good relationship with the US for continued economic benefit and to reach its economic potential. The US, in turn, must continue to be able to engage China over a long period if it wishes to favorably influence that country in terms of internal politics through diplomacy, and take advantage of an expanding trading partner. Though not fully in compliance with US desires, the attitude of Chinese leaders to alter current policies is at an unprecedented level unseen by US policy-makers in the period since Tianamen Square.²⁴

US Business Investment Influence

Fueling the debate that the President should "assert American values instead of merely groveling for dollars"²⁵ is the multi-million dollar lobbying operation underway by American business to prevent future trade barriers in light of China's past record on numerous issues. Both Henry Kissinger and Alexander Haig hold primary positions in the effort to influence trade policies favorable to China. Kissinger has as client the American International Group, a \$26 billion dollar organization spearheading the effort of the Business Coalition for US-China Trade. Along with corporate giants such as Boeing, Motorola, General Electric and IBM, they have mounted a multi-million dollar effort to reap favorable market conditions. Haig represents United Technologies and has brokered some dozen jet engine and elevator joint ventures in China.²⁶ Not just an inside the beltway effort, the lobby has funded a massive PR campaign to improve China's image in public schools and has formed the US-China Education Foundation to better commercial relations with the Peoples Republic. Attendance at the state dinner held during Jiang's visit would indicate

the lobby was more than successful with 41 of 125 guests being senior captains of US industry with an eye on new Chinese markets ²⁷ Of those 41 ten were of the top 20 members of the China lobby

In terms of Chinese influence with soft money campaign contributions, the panel chaired by Senator Fred Thompson recently recessed with no compelling evidence that the contributions channeled through John Huang were prohibited or resulted in any direct presidential influence In fact it appears as if the Chinese were merely attempting to raise their participation to the same level as that of competitor Taiwan Some scholars have stated China was merely copying the techniques of their rival and the effort was aimed more at Congress than the President ²⁸ In terms of soft money contributions the top 20 companies involved in the China Lobby have worked both sides of the 1996 campaign with some \$3.9 million for democrats and \$8.9 million for republican coffers collectively ²⁹ Numbers not unusual in light of modern campaign costs

China, US Interests and Regional Security

With some 100,000 US servicemen in the Asia-Pacific region, the US remains committed to the stability and security of a potentially volatile and key region In the months prior to the arrival of President Jiang, National Security Advisor "Sandy" Berger, Secretary of State Madeline Albright, and Alan Larson, Assistant Secretary for Economic and Business Affairs, were unified in public recognition of the Chinese contribution to security in the region, particularly in matters dealing with the Korean peninsula A June 1997 State Department Fact Sheet outlines the contributions of China to stability in the region

China plays a key role in regional security issues, including resolving the North Korean nuclear issue, reaching a peaceful settlement of the territorial dispute over the South China Sea and Spratly Islands, and building democracy and peace in Cambodia The United States supports China's active participation in evolving regional security institutions, most prominently the ASEAN Regional forum and Northeast Asia Security Dialogue

Further

China is a signatory to the Nuclear Non-Proliferation Treaty, signed the Comprehensive Test Ban Treaty in 1996, ratified the Chemical Weapons Convention in April of 1997, and has banned the exports of MTCR-class intermediate and long range missiles In May 1995, China voted in favor of indefinite extension of the NPT, a top priority in US foreign policy

The announcement of China's pre-summit agreement to end nuclear cooperation with Iran and limit its arms exports with that state ³⁰ further underscore the commitment China is making for long-term relations and cooperation by supporting US security interests Critics underscore the past suspected use of exported

technology for military use, to date under investigation and unproven, and the possibility that Chinese concessions are merely a tactic to gain favorable admission to the World Trade Organization.

Human Rights

China's human rights record remains the most contested and controversial area of debate within the informed public and policy elite. Pre-summit press highlighted dissidents Wei Jingsheng, Wang Dan, and Liu Xiaobo, and mentioned some two thousand other imprisoned citizens who crossed the political line through criticism of the authority of the Communist Party.³¹ Citing cultural differences and interpretations of the term "human rights" during a breakfast debate with some fifty congressional leaders, President Jiang related that fundamental rights "provide for food and shelter, not the right to political dissent."³² Though encouraged, the congressional delegation was not overly optimistic on speedy resolution of this continuing issue. During the breakfast Jiang denied political and religious persecution, sale of organs from prisoners, and forced abortion. Earlier in the week, Jiang had committed China to being a signatory on the UN covenant on economic, social and cultural rights but again would not move on the issue of the dissidents claiming they had violated criminal laws in China.³³ The actual numbers of citizens currently held is speculative and the US remains concerned about Chinese practices.

China denies or curtails basic freedoms to its citizens, including freedom of speech, association, and religion. The government maintains an autocratic one-party state that tolerates no organized opposition. Authorities continue to engage in extra-judicial arrest and detention of political and religious activists, and to restrict the free practice of religion.³⁴

China has made gradual improvements in this area, though not yet to the satisfaction of groups such as the Family Research Council. Supporters of a more moderate policy cite China's recent legal reform effort granting citizens broader relative freedoms including the 1997 amendment to the Criminal Procedures Law, imposing limits on detaining suspected criminals, and the 1994 State Compensation Law, permitting citizens to sue the government for damages.³⁵ Without a favorable relationship with China on other grounds, many contend that such progress would be non-existent. During the debate over MFN status Madeline Albright, made President Clinton's intentions clear, "If we can have a good trade relationship with China, it creates an atmosphere where it is more likely that human rights and political freedom will be respected in China."³⁶ Continuing the flow of information on western culture, ideas and business practices expose the Chinese to accepted international standards that will have an impact on the current societal

structure. Reformers in the Communist party leadership have already accomplished strides in freedom of movement, employment choice and housing and informational access. Village elections are now the norm and membership in organized religion has taken hold with some 50 million practicing Christians, 100 million Buddhists, and 17 million Muslims.³⁷ Though obvious progress has been documented the speed of such reforms falls short of the mark for some. In response to this criticism, William Buckley was quick to point out that "In a country where it took several hundred years to end slavery and to grant the right to vote to women, declaring an eight year policy in China a failure seems premature."³⁸

Conclusions

President William J. Clinton has consistently supported MFN status for China as part of a long term strategy to enable a policy shift from one based primarily on human rights following the Tiananmen Square incident, to a more inclusive policy based first on security, then economics, and lastly human rights. This policy shift followed a suitable period of US backed "behavior modification," enabled the documentation of progress in China, and permitted the selling of the policy from various administration avenues. The background of the US-China summit served as the ideal setting to place the group of issues before the American people, the Congress, and business, and formally announce the new policy through action, and inter-action with the Chinese President.

The first indication of a possible China shift came with the President's de-linking the issue of human rights with the conditions under which China would be permitted conditional MFN status. With only the strict limits of the 1974 Trade Act as primary legal source of opposition, the move enabled the President to maintain favorable relations with China while at the same time gauging the level of resistance in the Congress. When congressional resolution failed, the President then better understood the obstacles, or lack of, that he would face.

In granting conditional MFN status once again in March of 1997, the President was using the vehicle to gain future concession with China in terms of US security interests, while at the same time maintaining an improving domestic economy. Realizing the potential cost to US citizens in product costs, loss of Chinese imports, and the possible loss of US jobs providing exports to China, the rationale was sound. The additional risk of losing Chinese cooperation, for any period, in terms of the situation on the Korean peninsula, and in the attempt to reduce supply of rogue states like Iran with nuclear materiel and arms, was

not worth the risk to US interests. In light of MFN status as reflecting international business norms, and the improbable support on the part of other nations trading with China, MFN revocation showed little promise for altering the internal policies of that nation. As was stated many times during the visit and summit, this is an area where the US and China will continue to differ, based on the variances in western and eastern cultural orientations.

Just prior to granting MFN status, a joint business and executive branch campaign was launched to present China in a more favorable light. Alan Larson, Madeline Albright, "Sandy" Berger all contributed to the telling of the new message. The message was clear, while human rights were certainly not abandoned, the successful conversion of the Chinese required long-term engagement, and American values and western norms could only be understood if an open and successful trading relationship continued. With the National Security Advisor, the State Department, and business, spreading the message, the President himself was gaining support through meetings with key hill influences including Newt Gingrich with positive result.

The announcement by China, just prior to Jiang's visit to the US of the cessation of relations with Iran in the export of nuclear technology and certain weapons was certainly beneficial to the new Clinton policy. China was seen as sacrificing a source of energy and trade to pave the way for a long-term relationship with the United States. The US was seen to benefit relative to nuclear proliferation goals, and in terms of regional stability, this time in the Persian Gulf region. US trade was again benefactor as US reactor technology exportation would result in some \$50 billion in business.³⁹ China also agreed to the presence of the Drug Enforcement Agency in China to assist in US drug policy and continued future visits. Sharing the front page with the agreement story, Clinton's commitment to human rights was again present but in a less forceful manner. His visit to Voice of America made clear a human rights concern, but also referred to the "unworkable, counterproductive, and potentially dangerous" result of the isolation of Beijing on solely a human rights agenda.

In terms of human rights, the President continued to maintain the position for improvement in China but altered the tone of the argument. Instead of denying China a market for trade to influence its policies, the US would now use trade as a vehicle to influence positive change. Jiang's presence in the US permitted the Chinese leader to offer that nations perspective directly, a perspective that holds a different meaning in

terms of human rights and democracy, and demands, as the US would, dialogue based on a non-interference basis. Jiang's breakfast with congressional leaders also permitted the direct interaction on these same issues. In a Congress less traveled to foreign lands, this meeting was critical to establishing a basis for understanding what is acceptable in terms of China's leadership for future discussion on the agenda of human rights. Jiang made clear that any alteration would be made on China's schedule not one established by the US, and that China stands by past decisions in regards to internal control. As the week progressed some indication was made of a degree of error in the Tianamen Square incident, but no move to soften the position on Chinese dissidents was ever suggested.⁴⁰ Jiang reinforced the position of the US President that change would not be a swift issue, and both leaders eagerly sought to promote the security issues agreed upon during the summit. As the visit continued protest did occur against China's policies but the majority of critics fell into the special interest category, and not within the Congress.

In terms of the President's motivation relative to campaign contributions from China or the private sector, the evidence is not there. The Senate committee on Campaign Finance Reform did not reveal any smoking guns, and has recessed rather quietly. Certainly the practice of lobbying occurred and the donations from the business of the China lobby are significant. However, the motivation to court business in this case is not to promote or develop policy to the benefit of the private sector, but to use the private sector to successfully execute the national policy. In a summit where security dominated the discussion, the alternative theory politicizes the issue of campaign finance reform, not US policy on China.

The support of the President for MFN status with China is but one of the steps utilized to redefine this nation's national security policy toward the Peoples Republic of China. In a process not cleanly defined, we have seen the sometimes difficult, and complicated maneuvers of almost four years necessary to enact what might be described by some as a simple position. The President effectively conceptualized the new policy, then used multiple avenues to communicate and build consensus in Congress, and confidence in business, to see the policy through. In the recent months following the 1997 approval of MFN status, the president retailed the new policy himself, through the State Department and National Security Advisor, as well as through the private sector. Finally, despite attempts to derail the policy by special interest groups and some congressional objection, he successfully executed the policy against the backdrop of the China-US summit. The system, for all its disadvantages, has again proven viable.

ENDNOTES

- ¹ Peter Baker, "Clinton Wants to Keep Trade Privileges," *Washington Post*, 20 May 1997, p A1, A11
- ² Vladimir N Pregeli, "Most Favored -Nation Status of the People's Republic of China," CRS Issue Brief, 20 Sept 97, Congressional Research Service, Library of Congress, Washington DC
- ³ Wayne M Morrison, "Most-Favored-Nation Status and China History and Alternative Approaches to Current Law," CRS Report for Congress, 10 Sep 1997, Congressional Research Service, Library of Congress, Washington DC
- ⁴ Pregeli, CRS-1
- ⁵ Afghanistan, Kampuchea, North Korea, Cuba, Laos, Vietnam, and Former Yugoslavia (Serbia and Montenegro)
- ⁶ Morrison, CRS-2
- ⁷ Pregeli, Summary
- ⁸ Pregeli, CRS-5
- ⁹ Morrison, CRS-5
- ¹⁰ No Byline, "Congress vs China," *Washington Post*, 31 Oct 1997, p A22 The bills cover Enforcing the ban on slave labor products, Demonstrates US resolve for religious freedom, Opposes forced abortion, Will focus the consulate and embassy resources on human rights, Expand Radio Free Asia, End US tax subsidies on Communist State-controlled industries, Admit Taiwan to the WTO before China, Deny normal commercial status to the Chinese military, Report to Congress on Chinese espionage, Enforce US Law concerning China's arms exports to Iran, Assist Taiwan with defense against missile attack
- ¹¹ Morrison, CRS-4
- ¹² Laura D'Andrea Tyson, "Beyond MFN," *Wall Street Journal*, 28 May 1997, p A19
- ¹³ Morrison, CRS-4
- ¹⁴ Pregeli, CRS-6
- ¹⁵ John F Harris and Thomas W Lippman, "Clinton Faces Challenges on China Policy," *Washington Post*, 29 Oct 1997, p A29
- ¹⁶ US Dept of State, Bureau of East Asian and Pacific Affairs, "US-China Relations," Fact Sheet, 20 June 1997, accessed 27 October 1997, available from, http://www.state.gov/www/regions/eap/china_mfn_1997.html
- ¹⁷ Steven Mufson, "A Leader and His Country, Both Poised on Brink of New Power," *Washington Post*, 27 Oct 1997, p A18
- ¹⁸ Wayne M Morrison, "China-US Trade Issues," CRS Issue Brief, 8 October 1997, Congressional Research Service, Library of Congress, Washington DC
- ¹⁹ Morrison, "China-US Trade Issues," CRS-6
- ²⁰ Morrison, "US-China Trade Issues, CRS-9
- ²¹ Morrison, "US-China Trade Issues, CRS-10
- ²² Morrison, "US-China Trade Issues, CRS-11
- ²³ John Pomfret, "Successful Visit Bolsters Jiang," *Washington Post*, 3 November 1997, p A12
- ²⁴ Henry Kissinger, *Firing Line*, Televised debate at Ole' Miss University, 24 Oct 1997
- ²⁵ Baker, p A11
- ²⁶ George Archibald, "Big Deals in Beijing bring billions to US," *Washington Post*, 25 March 1997, p A1
- ²⁷ State Dinner Guest List, *Washington Post*, 30 October 1997, p C 1
- ²⁸ Unnamed Speaker, NWC Lecture Series
- ²⁹ Archibald, pA11
- ³⁰ R Jeffery Smith, "Limits on Iran Ties Open Way for China to buy US Reactors," *Washington Post*, 25 October 1997, p A1
- ³¹ Steven Mufson, "A Word on Silenced Citizens," *Washington Post*, 24 October 1997, p A. 29
- ³² Helen Dewar and John E Yang, "Defiant Leader gives no Ground on Rights," *Washington Post*, 31 October 1997, p A 29
- ³³ Steven Mufson, "Jiang Says China to Sign UN Charter on Rights," *Washington Post*, 25 October 1997, p A 13
- ³⁴ State Department, "China's Human Rights Record," Fact Sheet released by the Bureau of East Asian and Pacific Affairs, 20 June 1997, accessed 27 October 1997, available from, http://www.state.gov/www/regions/eap/china_mfn_1997.html

³⁵ Ibid, p 1

³⁶ Sara Fritz, "Religious Right Enters Fray Over Trade Status for China," *Los Angeles Times*, 2 May 1997, p A3

³⁷ "China's Human Right Record," p 1

³⁸ William Buckley, *Firing Line*, Televised debate at Ole' Miss University, 24 Oct 1997

³⁹ Smith p A1

⁴⁰ The Chinese did announce the release of Wei Jingsheng just after Veterans Day indicating a softened position following the summit

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